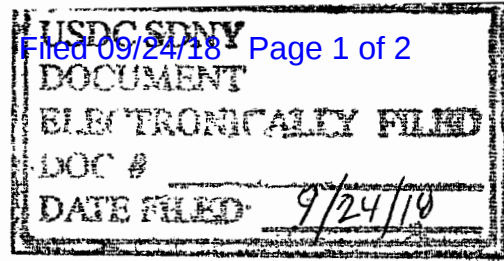


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
MARIA VECCHIO, et al.,

Plaintiffs,

**MODIFIED CIVIL CASE  
DISCOVERY PLAN AND  
SCHEDULING ORDER**

- against -

QUEST DIAGNOSTICS INC., et al.,

No. 16-cv-5165-ER-KNF

Defendants.  
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This Modified Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. This Court entered a Civil Case Discovery Plan and Scheduling Order on December 14, 2016. (Dkt. No. 29.)
2. On October 20, 2017, Plaintiff filed a motion for conditional certification of the Fair Labor Standards Act (FLSA) collective action. (Dkt. No. 513.)
3. On October 25, 2017, Magistrate Judge Fox rule that, in light of the pending motion for conditional certification, the original scheduling order was no longer practicable and that he would enter a new scheduling order after the Court decides the motion. Specifically, the Magistrate Judge ordered the parties to confer after the resolution of Plaintiff's motion for conditional certification and, thereafter, to submit to the Court a proposed case management order. (Dkt. No. 523.)
4. On November 30, 2017, the Court adjourned the case management conference set for December 8, 2017, and directed the parties to inform the Court when a discovery deadline is set. (Dkt. No. 588.)
5. On April 30, 2018, the Court granted Plaintiff's motion for conditional certification of her FLSA collective action and approved the sending of notice. (Dkt. No. 644.)
6. The period for potential collective action members to opt-in closed on August 16, 2018.
7. The parties have conferred and have agreed on the following discovery plan:
  - a. Defendants may take written and oral discovery of up to 10% of the collective action plaintiffs;

- b. Discovery of the collective action plaintiffs shall be completed in groups of 20;
  - c. Defendants shall select the first group of 20 plaintiffs from individuals who submitted declarations in support of Plaintiff's motion for conditional certification;
  - d. After discovery of the first group of 20 plaintiffs is completed, plaintiffs subject to discovery shall be selected as follows: 75% will be randomly selected; 25% will be selected by Defendants; and
  - e. The parties shall meet and confer on the locations of depositions.
8. Because it is unclear at this time how many collective action plaintiffs will be subject to discovery, and given the number of plaintiffs in this action, the parties request a telephonic conference with the Court in approximately six months to establish discovery and other case deadlines.
9. The next telephonic case management conference is scheduled for January 24, 2019, at 10:00 a.m. Counsel to the plaintiff shall initiate the telephonic conference.

SO ORDERED

Dated: 9/24/18  
New York, New York

Kevin Nathaniel Fox  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE